

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BOBBY SINGLETON, et al.,

Plaintiffs,

v.

**JOHN H. MERRILL, in his
official capacity as Alabama
Secretary of State, et al.,**

Defendants.

Case No.: 2:21-cv-1291-AMM

THREE-JUDGE COURT

EVAN MILLIGAN, et al.,

Plaintiffs,

v.

**JOHN H. MERRILL, in his
official capacity as Secretary of
State of Alabama, et al.,**

Defendants.

Case No.: 2:21-cv-01530-AMM

THREE-JUDGE COURT

Before MARCUS, Circuit Judge, MANASCO and MOORER, District Judges.

BY THE COURT:

ORDER ON MOTION FOR PROTECTIVE ORDER

These redistricting cases are before the court on a motion for a protective order in one of them filed by Defendants Senator Jim McClendon and Representative

Chris Pringle (“the Legislators”), who serve as Chairs of the Alabama Permanent Legislative Committee on Reapportionment (“the Committee”). *Milligan* Doc. 55. The Legislators request in the *Milligan* case an order forbidding their depositions and written discovery on grounds of legislative immunity and privilege. *Id.* The motion is **DENIED** because the Legislators have waived any such immunity and privilege.

The Legislators waived their legislative immunity and privilege when they put in issue their work as legislators on the electoral map that is the subject of this action. The Legislators put in issue their work as legislators by taking various steps in this litigation, including but not limited to failing to move to dismiss this action or the related case *Singleton v. Merrill*, Case No. 2:21-cv-1291-AMM on the basis of legislative immunity, *see Milligan* Doc. 55; intervening in *Singleton* “to assert both factual and legal defenses in support of the constitutionality and lawfulness” of the electoral map that is the subject of this action, which intervention occurred before this case was filed naming them as defendants and was not for the limited purpose of asserting their legislative immunity or privilege, *Singleton* Doc. 25 ¶ 12; and filing answers in both *Singleton* and *Milligan* that assert numerous factual and legal defenses, many of which concern their “intent,” “motive[s,]” and “motivations behind” their work as legislators on the electoral map, *see, e.g., Singleton* Doc. 48 ¶¶ 3, 65, 8 (p.10); *Milligan* Doc. 51 ¶¶ 56, 182, 208.

A longer order explaining in detail the reasons for this ruling will follow. If the Legislators wish to assert other objections to the plaintiffs' discovery requests, they are **ORDERED** to file those objections at or before **9:00 AM CENTRAL STANDARD TIME ON TUESDAY, DECEMBER 14, 2021**.

DONE and **ORDERED** this 13th day of December, 2021.

A handwritten signature in dark ink, appearing to read 'A Manasco', is written over a horizontal line.

ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE
for the court